

FILED

JAN 31 2013

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

ROBERT DARON RIGGS,

Petitioner,

vs.

WARDEN LEROY KIRKEGARD;
ATTORNEY GENERAL OF
THE STATE OF MONTANA,

Respondent.

CV 11-80- BU-SEH

ORDER

Memorandum and Order

On January 13, 2013, Magistrate Judge Keith Strong entered Findings and Recommendation,¹ in which he recommended Robert Daron Riggs' petition be denied on the merits, that judgment in favor of Respondents be entered, and that a certificate of appealability be denied. Notice of requirements for filing objections was given. On January 24, 2013, Riggs filed what are denominated as motions for: (1) An Extension of Time to File Objections; (2) Leave to Amend Habeas

¹ Document No. 12.

Petition; and (3) Appointment of Counsel to Amend and/or Object.²

Discussion

Riggs is entitled to appointment of counsel only when “the case is so complex that due process violations will occur absent the presence of counsel.” Bonin v. Vazquez, 999 F.2d 425, 428–429 (9th Cir. 1993)(discussing Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986)(per curiam)). None of the claims asserted rise to the level that requires appointment of counsel. The request is denied.

All of the claims raised in Riggs’ petition were fully and carefully addressed in Judge Strong’s Findings and Recommendation. Nothing in the present motion warrants granting leave to amend the petition or to extend the now expired time in which to file objections.

Conclusion

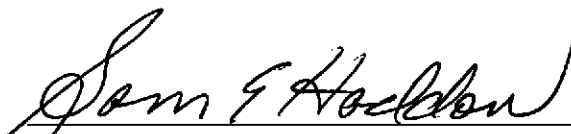
Upon *de novo* review of the record, I find no error in Judge Strong’s Findings and Recommendation and adopt them in full, including the reasons for and recommendations that a certificate of appealability be denied.

² Docket No. 13.

ORDERED:

1. Petitioner's Motion for an Extension of Time to File Objections³ is DENIED.
2. Petitioner's Motion for Leave to Amend Habeas Petition⁴ is DENIED.
3. Petitioner's Motion for Appointment of Counsel to Amend and/or Object⁵ is DENIED.
4. The Petition for Writ of Habeas Corpus⁶ is DENIED WITH PREJUDICE on the merits.
4. A certificate of appealability is DENIED.
5. The Clerk is directed to enter judgment accordingly.

DATED this 31st day of January, 2013.



SAM E. HADDON
United States District Judge

³ Docket No. 13.

⁴ Docket No. 13.

⁵ Docket No. 13.

⁶ Docket No. 1.